



Permanent Mission of Italy  
UN - Geneva

The Permanent Mission of Italy to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and, following Letter AL ITA 6/2025 dated 15 October 2025 from the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the human rights of migrants, and the Special Rapporteur on trafficking in persons, especially women and children, has the honour to transmit herewith Italy's reply.

The Permanent Mission would be grateful if the OHCHR could kindly confirm receipt of this Note Verbale and of the attached document.

The Permanent Mission of Italy to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 16 December 2025



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*Office of the United Nations  
High Commissioner for Human Rights  
Geneva*



Ministero degli Affari Esteri  
e della Cooperazione Internazionale

**ITALY**

**COMITATO INTERMINISTERIALE PER I DIRITTI UMANI**

***Italy's Reply***  
***to the joint communication from SPECIAL***  
***RAPPORTEURS – AL ITA 6/2025***

*December 2025*

***Italy's Reply to the joint communication from SPECIAL  
RAPPORTEURS - AL ITA 6/2025***

Further to UN Joint Communication AL ITA 6/2025 by the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the human rights of migrants and the Special Rapporteur on trafficking in persons, especially women and children, the Government of Italy hereby provides the following information on the questions submitted.

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As known, the international legal framework regarding search and rescue (SAR) operations at sea is established by the International Convention on Maritime Search and Rescue, adopted in Hamburg on 27 April 1979. This Convention stipulates that each State must designate an area of responsibility within which it is competent for the coordination of maritime search and rescue operations.

Italy adhered to the aforementioned Convention through Law No. 147 of 3 April 1989 and, with the subsequent implementing regulation contained in the Presidential Decree of 28 September 1994, No. 662, assigned responsibility for the execution of the Convention to the Ministry of Transport and Navigation (now the Ministry of Infrastructure and Transport), and assigned to the General Command of the Coast Guard the general coordination of maritime rescue services. For this purpose, the aforementioned General Command has been designated as the Italian Maritime Rescue Coordination Centre (I.M.R.C.C.).

Furthermore, this decree identified the Italian Search and Rescue Region (SRR), within which, in accordance with the provisions of the Hamburg Convention, search and rescue services are provided and the coordination of SAR operations is ensured by the I.M.R.C.C.

It should be noted that this area of responsibility does not cover the entire Central Mediterranean, as parts of this sea fall within the responsibility areas of other coastal States that have declared their own SAR regions. Therefore the I.M.R.C.C. ensures cooperation with counterpart Maritime Rescue Coordination Centers (MRCCs) of other coastal States, in full compliance with the Hamburg Convention and relevant international SAR procedures, particularly with neighbouring Centres, in order to share information about units or persons in distress in their respective SAR regions and to enable the timely

coordination of rescue operations by the competent MRCC.

It is important to emphasize that the rescue activities coordinated by the I.M.R.C.C. are carried out in full compliance with international human rights law, without any discrimination based on age, gender, nationality, religion, political opinion, etc., of the persons in need of assistance.

Regarding the specific case, it has to be underlined that the events took place, as mentioned also in the Joint Communication itself, in international waters in the Libyan Search and Rescue Area, with no Italian involvement. The Italian I.M.R.C.C. was not coordinating the rescue operations conducted by the Ocean Viking. In fact, in the case under review, the Ocean Viking acted independently pursuant to Article 98 of the UNCLOS Convention, rescuing persons in distress at sea and then requesting a Place of Safety (P.O.S.) from the nearest national authorities, which was subsequently assigned by Italy.

Abiding by the abovementioned framework, the IMRCC, therefore, promptly informed the Ocean Viking about the POS assignment. The I.M.R.C.C. did not request the Ocean Viking to deviate from its route or to proceed to another distress event. Rather, this information, based on an action subject to the Commander's independent decision, was received by I.M.R.C.C. from the vessel itself, which—also operating in this case pursuant to Article 98 of the UNCLOS—only requested to I.M.R.C.C. authorization to delay its arrival at the POS.

Upon receiving notification from the Ocean Viking that it had been targeted by gunfire from another vessel and the Ship Security Alarm System (S.S.A.S.) had been activated, in line with the provisions of current international Conventions on cooperation between rescue centres, I.M.R.C.C. promptly shared the information with the Maritime Rescue Coordination Centre responsible for the area and with other neighbouring centres and with the vessel flagship State (Norway).

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As already underlined, the alleged attack took place in the Libyan S.A.R. Region. Therefore, no formal administrative inquiry has been initiated by Italy. A Judicial Inquiry has been initiated by the Public Prosecutor's Office of Siracusa. It should be noted that pursuant to the Constitution, the executive branch has no oversight, direction or power of intervention on said Inquiry.

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The 2017 Memorandum of Understanding between Italy and Libya - and related instruments – frames the bilateral cooperation in the field of contrasting human trafficking. The technical assistance initiatives, including personnel training, in favour of the Libyan authorities responsible for border management and maritime search and rescue activities are coordinated by the Central Directorate for Immigration and Border Police of the Department of Public Security of the Ministry of the Interior. Almost all these initiatives fall under the project entitled “Support to Integrated Border and Migration Management in Libya (SIBMMIL) – Phase I and Phase II”, funded by the European Union through the Trust Fund for Africa and the NDICI financial instrument.

The transfers of vessels to the Libyan authorities in implementation of the aforementioned SIBMMIL Project have been governed by specific bilateral Memoranda of Understanding (Memorandum of Understanding between the Government of the Italian Republic and the Government of the State of Libya, signed in Tripoli on 13 March 2022; Memorandum of Understanding between the Government of the Italian Republic and the Government of the State of Libya, signed in Tripoli on 28 January 2023; and Memorandum of Understanding between the Government of the Italian Republic and the Government of the State of Libya, signed in Tripoli on 28 January 2025).

The Memoranda and following Verbal Notes exchanged regularly include clauses binding the use of the transferred units to compliance with international obligations on human rights, as in the standard clause reported below:

*“The Government of the State of Libya undertakes to employ the naval units transferred by the Government of the Italian Republic solely for activities intended to ensure the safety of navigation and the surveillance of the maritime areas under its competence for the purposes of search and rescue and the preservation of human life at sea, as well as for the suppression of migrant smuggling, trafficking in human beings, and other illicit traffic. Such activities shall be carried out in full respect for human rights and fundamental freedoms and in accordance with the ‘do no harm’ principle, in conformity with the standards established under applicable international law and with the policies of the European Union. The Government of the State of Libya further undertakes to ensure the full and proper custody of the transferred naval units; to preclude any use thereof by persons or institutions other than the receiving administration; and to prevent the transfer of such units to, or their use by, any persons or entities subject to the United Nations*

*sanctions regime and/or to the restrictive measures of the European Union.”*

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Namely, Article 5 of the 2017 Memorandum of Understanding stipulates that: *“The Parties undertake to interpret and apply this Memorandum in compliance with the international obligations and human rights agreements to which both countries are party”* while the preamble of the Memorandum itself refers to the *“obligations arising from customary international law and from the agreements binding the Parties, including Italy’s membership in the European Union, within the framework of the legal systems in force in the two countries.”*

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The Italian Embassy in Tripoli - in coordination and agreement with the relevant bodies of the European Union, particularly the EU Delegation in the Libyan capital - is in constant and direct contact with the competent Libyan authorities on the follow up to the abovementioned agreements and memoranda.

The Italian Embassy in Tripoli maintains a close cooperation also with the aforementioned EU Delegation and with the relevant international organizations operating in Libya, in particular the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR), in full respect of Libyan sovereignty.

It is also worth recalling that Italy, including through the Migration Fund of the MFA, has realized through the last years several interventions in support of the migrant and refugee population in Libya, in full respect of the rights of individuals and of refugees as provided for in the relevant international Laws and Conventions, carried out by the main competent UN Organizations (mainly IOM and UNHCR but also UNICEF and WHO) as guarantors of such principles.

### **Conclusion**

Italy declines any responsibility with regard to an event occurred outside its Search and Rescue Region and without the involvement of any person acting under the control of Italian authorities. In conclusion, Italy reaffirms its commitment to continue collaborating with the United Nations Special Procedures.